

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JULY 26, 2007**

Invocation: Father Barry Cabell, St. Paul's Catholic Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, July 26, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:17 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of June 21, 2007.
The minutes from the meeting of June 21, 2007 were approved.
2. Approve issuance of a rebate in the amount of \$200,000 to ADVANCED MICRO DEVICES for the installation of six high efficiency chillers and cooling towers, variable frequency drives and lighting at its facility located at 7171 Southwest Parkway. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion authorizing the issuance of a rebate in the amount of \$200,000 was approved.
3. Approve issuance of a rebate in the amount of \$200,000 to SAMSUNG ELECTRONICS CO. LTD. for the installation of five 2,050-ton high efficiency centrifugal chillers at its facility located at 12100 Samsung Blvd. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion authorizing the issuance of a rebate in the amount of \$200,000 was approved.
4. Approve issuance of a Letter of Intent for a rebate in the amount of \$100,000 to APPLIED MATERIALS, Austin, TX, for the installation of a solar photovoltaic system at its facility located at 9700 U.S. Hwy 290 East. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion authorizing the issuance of a letter of intent for a rebate in the amount of \$100,000 was approved.

5. Approve a resolution adopting, subject to qualification, federal standards relating to (1) net metering, (2) diversity of fuel sources, (3) time-based metering and communications, and (4) interconnection of on-site distributed generation, and declining to adopt federal standards relating to fossil fuel generation efficiency. Recommended by the Electric Utility Commission.
Resolution No. 20070726-005 was approved.
6. Authorize the City Manager to negotiate and execute an agreement with the CITY OF SUNSET VALLEY for wholesale water and wastewater services from the City of Austin. Funding is not required by this action. Recommended by the Water and Wastewater Commission.
The motion authorizing the City Manager to negotiate and execute an agreement with the City of Sunset Valley was approved.
7. Approve a resolution authorizing the revision of the fee schedule for participation under the "Balcones Canyonlands Conservation Plan (BCCP) - Shared Vision" for a period of two years (until July 14, 2009). This action does not require budget allocation or funding. Recommended by the Travis County Commissioners' Court, BCCP Coordinating Committee, BCCP Citizens Advisory Committee, BCCP Scientific Advisory Committee, and the Water and Wastewater Commission.
Resolution No. 20070726-007 was approved.
8. Approve a resolution consenting to the inclusion of approximately one acre, located in the Studer Subdivision at 1617 Westlake Drive, Austin, into Travis County Water Control and Improvement District (WCID) #10 for the provision of water service. There are no expenditures incurred by the City of Austin for this action. The landowner or WCID #10 will incur all expenses for water service to the one-acre tract. Recommended by the Water and Wastewater Commission.
Resolution No. 20070726-008 was approved.
9. Approve the negotiation and execution of a lease agreement with the United States Transportation Security Administration for administrative office and support space in Austin-Bergstrom International Airport Terminal, for a term of five years, commencing September 1, 2007. This is a revenue-generating contract. Fiscal Year 2007-2008 revenue is projected to be \$324,298. This revenue is reflected in the Department of Aviation's (DOA) Fiscal Year 2006-2007 budget. Revenue over the five year term of the lease is estimated at \$1.69 million. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of a lease agreement with the United States Transportation Security Administration for administrative office and support space in Austin-Bergstrom International Airport Terminal was approved.
10. Approve a resolution adopting the Fiscal Year 2007-2008 budget schedule, and setting public hearings to receive public comment on the City of Austin Proposed Budget for Fiscal Year 2007-2008. (Suggested dates and times: August 9, 2007, August 23, 2007 and August 30, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact. A fiscal note is not required.
Resolution No. 20070726-010 was approved.
11. Authorize the negotiation and execution of an Interlocal Agreement between the City and Austin Community College (ACC) to permit ACC to operate radio equipment on the Austin/Travis County Regional Radio System (RRS) with an annual amount payable to the City based on ACC's proportionate share of the total RRS Operation and Maintenance budget for portable and mobile radios. Revenue is anticipated from Austin Community College based on the number of authorized ACC portable and mobile radios and the annual RRS Infrastructure Operation and Maintenance Budget.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Austin Community College (ACC) was approved.

12. Authorize the negotiation and execution of an Interlocal Agreement between the City and Travis County Emergency Services District #2 to purchase radio dispatch equipment as part of the U.S. Department of Homeland Security's Fiscal Year 2006 - 2007 Assistance to Firefighter Grant Program, in an amount not to exceed \$29,999, the required City grant match. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Financial and Administrative Services Department, Communications and Technology Management, Wireless Division.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County Emergency Services District # 2 was approved.
13. Authorize the negotiation and execution of an Interlocal Agreement between the City and Williamson County to provide City management services for the project to upgrade the Williamson County radio system infrastructure to a new digital radio communication zone on the Austin/Travis County Regional Radio System in the amount payable to the City of \$135,000 for Fiscal Year 2006-2007. In subsequent years, City charges will be based on the number of Williamson County subscriber radio units and the City overhead costs for its services. Revenue from Williamson County in the amount of \$135,000 is anticipated in Fiscal Year 2006-2007. Revenue in subsequent years will be based on City costs and overhead rate.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Williamson County was approved.
14. Authorize the negotiation and execution of two Interlocal Agreements between the City of Austin and the Capital Area Council of Governments (CAPCOG) related to the City of Austin's participation in the enhanced 9-1-1 emergency telephone system, in the net amounts of \$320,899 for maintenance of the 9-1-1 database on a county-wide basis and \$7,000 for supply costs. Most costs to be reimbursed by CAPCOG. Reimbursements from CAPCOG in the net amount of \$320,899 and \$7,000 are anticipated in Fiscal Year 2007-2008.
The motion authorizing the negotiation and execution of two interlocal agreements between the City of Austin and the Capital Area Council of Governments (CAPCOG) was approved.
15. Approve an ordinance naming an unnamed easement as Barclay Heights Court (located near the intersection of Wild Briar Pass and Barclay Drive). The application fee of \$415 has been paid. The processing fee of \$250 has been determined, for one street sign to be located where the unnamed easement enters Barclay Drive. Petitioners have been advised of the street sign placement cost, and that they are responsible for payment
Ordinance No. 20070726-015 was approved.
16. Approve a resolution adopting the Austin Music Memorial Guidelines. Funding in the amount of \$5,000 is contingent upon available funding in future budgets. Recommended by the Music Commission.
Resolution No. 20070726-016 was approved.
17. Approve negotiation and execution of a 17-month contract between the City and CARITAS OF AUSTIN, Austin, TX to provide men's transitional housing and substance abuse services in an amount not to exceed \$272,839 with one 12-month renewal option in the amount of \$182,000, for a total contract amount not to exceed \$454,839. Funding in the amount of \$45,334 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. Funding for the remaining 12 months of the initial contract and renewal option is contingent upon available funding in future budgets. The initial contract period is August 1, 2007 through December 31, 2008.
The motion authorizing the negotiation and execution of a contract between the City and Caritas of Austin was approved.
18. Authorize negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L.L.P., Austin, TX, for legal representation, advice, and counsel concerning securing Austin's

long-term water supply, including regulatory matters involving the Colorado River and the Lower Colorado River Authority before the Texas Commission on Environmental Quality, and contractual matters relating to raw water supply, for an increase of \$195,000, with a total contract amount not to exceed \$1,770,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Water Utility.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Brown McCarroll, L.L.P. was approved.

19. Authorize the negotiation and execution of an amendment to the outside counsel contract with Akin, Gump, Strauss, Hauer & Feld, L.L.P., Austin, TX, for legal services related to Cause No. D-1-GN-05-004217; Anne Ashmun, City of Austin, Neighbors Organized to Protect the Environment and John Sikoski v. Texas Commission on Environmental Quality; in the 353rd Judicial District Court of Travis County, Texas in an amount of \$40,000, for a total contract amount not to exceed \$50,000. Funding is available in the Operating Budget of Watershed Protection and Development Review Department.
The motion authorizing the negotiation and execution of an amendment to the outside counsel contract with Akin, Gump, Strauss, Hauer and Feld, L.L.P. was approved.

20. Approve an amendment to the legal service contract with Kemp Smith, L.L.P. for legal counsel regarding City of Austin v. Reichhold Inc., et al.; Cause No. A-06-CA-0015SS; in the U.S. District Court, Western District, Austin Division, in an amount of \$275,000, for a total contract amount not to exceed \$1,300,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Liability Reserve Fund.
The motion authorizing an amendment to the legal service contract with Kemp Smith, L.L.P. was approved.

21. Authorize the negotiation and execution of an amendment to the outside counsel contract with Scott Douglass and McConnico, L.L.P., Austin, TX for legal services related to Water Treatment Plant 4, in an amount of \$100,000, for a total contract amount not to exceed \$250,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility.
The motion authorizing the negotiation and execution of an amendment to the outside counsel contract with Scott Douglass and McConnico, L.L.P. was approved.

22. Approve an ordinance authorizing the acceptance of \$14,620 in grant funds from the National Film Preservation Foundation; and amending the Fiscal Year 2006-2007 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$14,620 for a National Film Preservation Foundation Basic Preservation Grant for film preservation. Funding is available from the National Film Preservation Foundation. The grant period is May 1, 2007 through July 1, 2008. No City match is required.
Ordinance No. 20070726-022 was approved.

Item 23 was pulled for discussion.

24. Approve an ordinance amending Ordinance No. 20070607-088 to correct the legal description for the property locally known as South Urban Lofts, located at 4367 South Congress Avenue, and described as Zoning Case No. C14-07-0009.
Ordinance No. 20070726-024 was approved.
25. Authorize execution of a construction contract with G. CREEK, INC., Austin, TX for the renovation of the Zachary Scott Theatre Buildings in an amount not to exceed \$248,500. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts of 9.13% MBE and 0.21% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with G. Creek, Inc. was approved.

26. Approve an ordinance authorizing acceptance of \$24,600 in grant funds from the Junior League of Austin; and amend the Fiscal Year 2006-2007 Parks and Recreation Department Operating Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$24,600 for the Legacy Project at the Austin Nature and Science Center. Funding is available from the Junior League of Austin. The grant period is August 1, 2007 through May 31, 2008.
Ordinance No. 20070726-026 was approved.
27. Approve an ordinance rejecting the 1985 proposed dedication of public right-of-way and accepting a dedication of approximately .63 acres of additional parkland easements and alternate right-of-way access and parking facilities for the Walnut Creek Greenbelt located at the mouth of Walnut Creek at the Colorado River adjacent to Delwau Lane approximately 1/2 mile east of US 183.
This item was postponed to August 9, 2007.
28. Approve an ordinance to establish classifications and number of positions in the classified service of the Austin Police Department and repealing Ordinance No. 20070111-014. Funding is included in the Fiscal Year 2006-2007 Operating Budget for the Police Department.
Ordinance No. 20070726-028 was approved.
29. Approve a resolution authorizing the negotiation and execution of a contract to purchase approximately 6.997 acres in fee simple located at 1000 Rundberg Lane from Kenny Dryden, Trustee, using November 2006 Bond Proposition 3 funds in the amount not to exceed \$750,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department.
Resolution No. 20070726-029 was approved.
30. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 4-Manor/Comal/Rosewood Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 676 square foot permanent wastewater line easement and a 225 square foot temporary working space easement, both out of Lot 9, Chernosky Subdivision No. 6, in Travis County, Texas, in the amount of \$3,595. The owner of the needed property interests is the Mosby Family Trust. The property is located at 1139 1/2 Poquito Street, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
This item was withdrawn.
31. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 4-Webberville/San Bernard/4th Street Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 324 square foot permanent wastewater line easement and a 996 square foot temporary working space easement out of Lot 5 and a portion of Lot 4, Sam Huston Heights Annex in Travis County, Texas, in the amount of \$1,776. The owners of the needed property interests are Adrian J. Trevino and Curtis W. Sutherland. The property is located at 3019 E. 12th Street, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Resolution No. 20070726-031 was approved.
32. Approve resolution authorizing the acquisition for the Austin Clean Water Program: Govalle 1 East Lamar Area Wastewater Project for a temporary staging area and material storage site easement of 23,625 square-feet of land out of Lot A, Resubdivision Morky and Cameron Subdivision number 2, situated in Travis County, Texas, according to the map or plat thereof, recorded in Volume 57, Page 99, of the Plat Records of Travis County, Texas located at 906 Banister Lane, from Robert E. Jenkins, Austin, Travis

County, Texas, in the amount not to exceed \$120,750. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. **Resolution No. 20070726-032 was approved.**

33. Approve resolution authorizing the acquisition for the Austin Clean Water Program: Govalle 1 East Lamar Area Wastewater Project of a temporary staging area and material storage site easement of 2.007 acres situated in Travis County, Texas, described as 2.007 acres, more or less, out of the Isaac Decker League Survey No. 20, Abstract No. 8 and being the same land as "Tract 2" and "Tract 3" in deed recorded in Volume 8869, Page 136, of the Real Property Records of Travis County, Texas and incorporated for all purposes (collectively called the "Property") located at 2505 Thornton Road, from Rox B., Duke M., and Danay C. Covert, Austin, Travis, Texas in the amount not to exceed \$258,750. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. **Resolution No. 20070726-033 was approved.**
34. Authorize execution of a construction contract with OSCAR RENDA CONTRACTING, INC., Roanoke, TX, for the Austin Clean Water Program: Govalle 1: Newton Street Area Wastewater Improvements Project in the amount of \$4,167,098 plus a \$208,355 contingency, for a total contract amount not to exceed \$4,375,453. Funding in the amount of \$4,375,453 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Lower of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts of 15.52% MBE and 8.40% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. **The motion authorizing the execution of a construction contract with Oscar Renda Contracting, Inc. was approved.**
35. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the Austin Clean Water Program: Upper Tannehill Interceptor Overflow Abatement Project in the amount of \$2,672,888 plus a \$133,644 contingency, for a total contract amount not to exceed \$2,806,532. Funding in the amount of \$2,806,532 is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts of 13.09% MBE and 5.21% WBE subcontractor participation. Recommended by the Water and Wastewater Commission. **The motion authorizing the execution of a construction contract with Keystone Construction, Inc. was approved.**
36. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, (MBE/MH 83.30%) Austin, TX, for the Downtown Alleys Reconstruction Fiscal Year 2007 Project in the amount of \$463,265 plus a \$23,163.25 contingency, for a total contract amount not to exceed \$486,428.25. Funding in the amount of \$216,765 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department; funding in the amount of \$220,838.25 is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department; and Funding in the amount of \$48,825 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 0.00% MBE and 14.99% WBE subcontractor participation. **The motion authorizing the execution of a construction contract with Aaron Concrete Contractors, LP, was approved.**
37. Approve a contract payment to FACILITIES REHABILITATION, INC., Fort Worth, TX (MBE/MH 71.73%) for the Austin Clean Water Program: Govalle 4 - Chicon Street Wastewater Improvements

Project in an amount not to exceed \$24,382.80 for a total contract amount of \$227,144.26 necessary for the preservation of public health and safety of the City's residents. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). The additional work in question was necessary to preserve public health and safety; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this work. There is 0.00% MBE and 8.76% WBE subcontractor participation to date including this proposed payment. Recommended by the Water and Wastewater Commission.

The motion authorizing a contract payment to Facilities Rehabilitation, Inc. was approved.

38. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS and NEWNAM, INC., Austin, TX, for engineering services for the Spicewood Springs Pump Station Improvements Reissue in an amount not to exceed \$800,000. Funding is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Best qualification statement of five statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 16.5% MBE and 18.0% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Lockwood Andrews and Newnam, Inc. was approved.

39. Authorize negotiation and execution of a professional services agreement with R. W. BECK, INC., Austin, TX, for engineering services for permitting and design of the Single Stream Recycling Facility Complex in an amount not to exceed \$3,500,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Best qualification statement of one responsive statement received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 16.5% MBE and 14.2% WBE subconsultant participation. Recommended by the Solid Waste Advisory Commission.

The motion authorizing the negotiation and execution of a professional services agreement with R. W. Beck, Inc. was approved.

40. Authorize negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC., Austin, TX, for engineering services for Pfluger Bridge Extension and Bowie Underpass in the amount of \$1,175,733 for a total contract amount not to exceed \$1,755,015. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Economic Growth and Redevelopment Services Office. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 9.28% MBE and 10.84% WBE subconsultant participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with HDR Engineering, Inc. was approved.

41. Approve an ordinance amending Section 12-4-42 of the City Code to add Latta Drive to the list of streets having a maximum speed of 40 miles per hour as per Section 545-356 of State Law. Funding in the amount of \$600 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20070726-041 was approved.

42. Authorize award and execution of two 12-month requirements service contracts with CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., LaPorte, TX, in an estimated amount not to exceed \$185,459, with three 12-month extension options in an estimated amount not to exceed \$185,459 per extension option, for a total estimated contract amount not to exceed \$741,836; and with VEOLIA ES

TECHNICAL SOLUTIONS, Baytown, TX, in an estimated amount not to exceed \$96,038, with three 12-month extension options in an estimated amount not to exceed \$96,038 per extension option, for a total estimated contract amount not to exceed \$384,152, for the management and disposal of industrial hazardous and Class 1 non-hazardous waste. Funding in the amount of \$46,916 is available in Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Only two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of two requirements service contracts with Clean Harbors Environmental Services, Inc. was approved.

43. Authorize award and execution of a 12-month requirements supply contract with HYUNDAI HEAVY INDUSTRIES, C/O HYUNDAI CORP., Orlando, FL, for 3-phase power transformers in an estimated amount not to exceed \$4,413,940, with three 12-month extension options in an estimated amount not to exceed \$4,413,940 per extension option, for a total estimated contract amount not to exceed \$17,655,760. Funding in the amount of \$4,413,940 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Hyundai Heavy Industries, in care of Hyundai Corp. was approved.

44. Authorize award, negotiation, and execution of a contract with KYOCERA SOLAR, INC., Cypress, TX, to supply solar photovoltaic modules in an amount not to exceed \$306,072. Funding in the amount of \$64,815 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding in the amount of \$241,257 is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Lowest bid meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation, and execution of a contract with Kyocera Solar, Inc. was approved.

45. Authorize award, negotiation, and execution of a 12-month requirements service contract with OXFORD COMMERCIAL, Austin, TX, for a program manager for construction of a new energy control center building in an estimated amount not to exceed \$250,000, with two 12-month extension options in an estimated amount not to exceed \$100,000 per extension, for a total estimated contract amount not to exceed \$450,000. Funding in the amount of \$250,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation, and execution of a requirements service contract with Oxford Commercial was approved.

46. Approve ratification of a contract with SHERMCO INDUSTRIES, INC., Stafford, TX, for the purchase of a main generator breaker on Decker Unit No.1 gas turbine in an amount not to exceed \$61,500. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing ratification of a contract with Shermco Industries, Inc. was approved.
47. Authorize award and execution of a 12-month requirements supply agreement with SMART SYSTEMS INTERNATIONAL, Las Vegas, NV, for the purchase of occupancy-controlled thermostats in an estimated amount not to exceed \$380,069. Funding in the amount of \$63,345 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining ten months of the original contract period is contingent upon available funding in future budgets. Funding in the amount of \$163,800 will be reimbursed by AISD. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply agreement with Smart Systems International was approved.
48. Authorize award, negotiation, and execution of a 12-month requirements service contract with SUCCESSFACTORS (USA), San Mateo, CA for the purchase of the Application Service Provider (ASP) performance management software, software maintenance, training and related consulting services in an estimated amount not to exceed \$350,000, with four 12-month extension options in an estimated amount not to exceed \$300,000 for the first extension option, \$450,000 for the second extension option, \$450,000 for the third extension option, and \$300,000 for the fourth extension option, for a total estimated contract amount not to exceed \$1,850,000. Funding in the amount of \$58,333 is available in the fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation, and execution of a requirements service contract with Successfactors (USA) was approved.
49. Authorize award, negotiation, and execution of a contract with TEXAS SOLAR POWER CO., INC., Austin, TX, to provide photovoltaic system installation services in an amount not to exceed \$99,293.61. Funding is available in the Fiscal Year 2006-2007 Operating Budget for Austin Energy. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation, and execution of a contract with Texas Solar Power Co., Inc. was approved.
50. Authorize award and execution of 24-month requirements supply contract with ACT PIPE & SUPPLY, Pflugerville, TX for the purchase of gate valves of various types and sizes in an estimated amount not to exceed \$201,200, with two 12-month extension options in estimated amounts not to exceed \$125,750 for the first extension option and \$157,188 for the second extension option, for a total estimated contract amount not to exceed \$484,138. Funding in the amount of \$25,150 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 21-months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code

(Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater.

The motion authorizing the award and execution of a requirements supply contract with Act Pipe and Supply was approved.

51. Authorize award and execution of a 24-month requirements supply agreement with ALLIED SALES COMPANY, Austin, TX, for the purchase of industrial lubricants for the Austin Water Utility in an amount not to exceed \$169,132.22, with two 12-month extension options in an amount not to exceed \$84,566.11 per extension option, for a total contract amount not to exceed \$338,264.44. Funding in the amount of \$28,188.70 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 20-months of the initial contract and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply agreement with Allied Sales Company was approved.

52. Authorize award and execution of a 24-month requirements supply contract with GENERAL CHEMICAL PERFORMANCE PRODUCTS, LLC., Parsippany, NJ, for the purchase of liquid ferric sulfate for the Austin Water Utility, in an estimated amount not to exceed \$1,608,346, with two 12-month extension options in an estimated amount not to exceed \$804,173 per extension option, for a total estimated contract amount not to exceed \$3,216,692. Funding in the amount of \$134,029 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with General Chemical Performance Products, LLC was approved.

53. Authorize award and execution of a 12-month requirements service contract with GREAT SOUTHWEST METERS, INC., Waxahachie, TX to provide large water meter accuracy testing and repair for the Austin Water Utility in an estimated amount not to exceed \$74,835, with two 12-month extension options in estimated amounts not to exceed \$88,065 for the first extension option and \$107,575 for the second extension option, for a total estimated contract amount not to exceed \$270,475. Funding in the amount of \$12,473 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements service contract with Great Southwest Meters, Inc. was approved.

54. Authorize award, negotiation and execution of a contract with HANSEN INFORMATION TECHNOLOGIES INC, Rancho Cordova, CA, for the purchase of software maintenance services in an amount not to exceed \$96,450. Funding is available in Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No

subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award, negotiation and execution of a contract with Hansen Information Technologies Inc. was approved.

55. Authorize execution of a 36-month Interlocal Agreement with TEXAS STATE UNIVERSITY - SAN MARCOS, San Marcos, TX, to provide monitoring, analysis and research services for endangered species in an amount not to exceed \$150,000. Funding in the amount of \$40,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining thirty-four months of this agreement is contingent upon available funding in future budgets. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an interlocal agreement; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of an interlocal agreement with Texas State University – San Marcos was approved.

56. Authorize execution of a 36-month Interlocal Agreement with UNIVERSITY OF TEXAS AT AUSTIN to provide monitoring, analysis and research services related to land management in an amount not to exceed \$200,000. Funding in the amount of \$20,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Funding for the remaining thirty-four months of this agreement is contingent upon available funding in future budgets. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an interlocal agreement; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by Water and Wastewater Commission.

The motion authorizing the execution of an interlocal agreement with University of Texas at Austin was approved.

57. Authorize award and execution of a 24-month requirements service contract with TEXAS DISPOSAL SYSTEMS, Buda, TX, for roll-off containers and disposal services for grit and screening from wastewater treatment plants for the Austin Water Utility in an amount not to exceed \$257,846, with two 12-month extension options in an estimated amount not to exceed \$128,923 for each extension option, for a total estimated contract amount not to exceed \$515,692. Funding in the amount of \$42,974 is available in the Fiscal Year 2006-2007 Operating Budget for the Austin Water Utility. Funding for the remaining twenty months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements service contract with Texas Disposal Systems was approved.

58. Authorize award, negotiation, and execution of a contract with COGENT SYSTEMS, INC, Dublin, OH, for the purchase of software upgrade and implementation services in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation, and execution of a contract with Cogent Systems, Inc. was approved.

59. Authorize award and execution of a 36-month requirements service contract with CLINICAL PATHOLOGY LABORATORIES, INC., Austin, TX, for specialized HIV laboratory tests in an estimated amount not to exceed \$2,337,000, with three 12-month extension options in an estimated amount not to exceed \$818,895 for the first extension option, \$859,840 for the second extension option, and \$902,832 for the third extension option, for a total estimated contract amount not to exceed \$4,918,567. Funding in the amount of \$129,834 is available in the Fiscal Year 2006-2007 Operating Budget of the Community Care Services Department. Funding for the remaining 34 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Clinical Pathology Laboratories, Inc. was approved.
60. Authorize award, negotiation, and execution of a contract with FIRSTWATCH SOLUTIONS, INC., dba FIRSTWATCH, Encinitas, CA, for the purchase and installation of real-time computer aided dispatch monitoring software, "FIRSTWATCH", in an amount not to exceed \$73,271, with five 12-month extension options for maintenance and support in an amount not to exceed \$10,237 per extension option, for a total contract amount not to exceed \$124,456. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Public Safety and Emergency Management Department Special Revenue. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation, and execution of a contract with Firstwatch Solutions, Inc., doing business as Firstwatch was approved.
61. Authorize award and execution of a contract through TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with CARRIER COMMERCIAL SERVICE, Austin, TX for the purchase and installation of one 110-ton air cooled chiller and three computer room air conditioning units in an amount not to exceed \$167,633. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under the Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a contract through Texas Local Government Purchasing Cooperative (Buyboard) with Carrier Commercial Service was approved.
62. Authorize award and execution of a contract through TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of one service line construction truck and one aerial bucket truck in an amount not to exceed \$152,632.56. Funding in the amount of \$70,926.78 is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Energy Department. Funding in the amount of \$81,705.78 is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of a contract through Texas Local Government Purchasing Cooperative (Buyboard) with Philpott Motors, Ltd was approved.

63. Authorize award and execution of a contract with AUSTIN TRUCK AND EQUIPMENT dba FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of one Mobile Command Center Vehicle in an amount not to exceed \$688,583.61. Funding is available through the State of Texas Governor's Division of Emergency Management State Administrative Agency (GDEM-SAA) Homeland Security Grant Program (HSGP) No.06-GA 5000-05. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.
The motion authorizing the award and execution of a contract with Austin Truck and Equipment doing business as Freightliner of Austin was approved.
64. Authorize award and execution of a contract through The Cooperative Purchasing Network (TCPN) with WILLIAMS SCOTTSMAN, Selma, TX, for the purchase and installation of a mobile modular office building in an amount not to exceed \$77,925. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Fleet Services Division of the Financial and Administrative Services Department. Cooperative purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a contract through the Cooperative Purchasing Network (TCPN) with Williams Scottsman was approved.
65. Authorize award and execution of an 11-month requirements service contract through the State of Texas, Texas Building and Procurement Commission with FEDERAL EXPRESS, Washington, DC, for overnight air and ground delivery services in an estimated amount not to exceed \$63,204, with two 24-month extension options in an estimated amount not to exceed \$137,900 per extension option, for an estimated total contract amount not to exceed \$339,004. Funding in the amount of \$17,237 is available in the Fiscal Year 2006-2007 Operating Budget of various City departments. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract through the State of Texas, Texas Building and Procurement Commission with Federal Express was approved.
66. Authorize award and execution of Amendment No. 8 with TIBH Industries, Inc., Austin, TX, to increase the final extension option for temporary personnel services in an estimated amount not to exceed \$80,000, for a revised total estimated contract amount not to exceed \$1,052,375. Funding in the amount of \$32,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Financial and Administrative Services Department. Funding for the remaining two months of the contract period is contingent upon available funding in future budgets. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of amendment number eight with TIBH Industries, Inc. was approved.
67. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with BAGLEY'S FLOOR SERVICES, San Antonio, TX, for the purchase of new flooring at Doris Miller Auditorium and Montopolis Recreation Center gymnasiums in an amount not to exceed \$192,377.87. Funding is available in the Fiscal Year 2006-2007 Capital Budget

of the Parks and Recreation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Bagley's Floor Services was approved.

68. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PLAYWELL GROUP INC (THE), DALLAS, TX, for the purchase of a pavilion for Morris Williams Golf Course in an amount not to exceed \$60,429.53. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Playwell Group Inc. was approved.

69. Authorize award and execution of a 24-month requirements supply contract with ALPHA READY MIX LLC, Austin, TX for ready mix concrete for the Public Works Department in an estimated amount not to exceed \$614,570, with two 12-month extension options in estimated amounts not to exceed \$354,000 for the first extension option and \$407,100 for the second extension option, for a total estimated contract amount not to exceed \$1,375,670. Funding in the amount of \$51,215 is available in Fiscal Year 2006-2007 Operating Budget of the Public Works Department. Funding for the remaining 22 months of the original contract period and the extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Alpha Ready Mix LLC was approved.

70. Authorize award and execution of a 24-month service agreement with ANDERSON MACHINERY AUSTIN, INC., Austin, TX, for the rental of a motor grader for the Solid Waste Service Department in an amount not to exceed \$116,040, with two additional 12-month extension options in an amount not to exceed \$58,020 per extension option, for a total contract amount not to exceed \$232,080. Funding in the amount of \$9,670 is available in the Fiscal Year 2006-2007 Operating Budget of the Solid Waste Services Department. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting Opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the award and execution of a service agreement with Anderson Machinery was approved.

71. Authorize award and execution of a 36-month supply agreement with INTELLIGENT PRODUCTS Inc., Burlington, KY, for pet waste management Mutt Mitts and their dispensers for the Watershed Protection and Development Review Department, in an amount not to exceed \$75,616 annually, with three 12-month extension options in the amount not to exceed \$75,616 per extension, for a total contract amount not to exceed \$453,696. Funding in the amount of \$12,603 is available in the Fiscal Year 2006-2007 Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in

future budgets. Sole Source This contract will be awarded in accordance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a supply agreement with Intelligent Products Inc. was approved.

72. Approve an ordinance denying an interim Gas Reliability Infrastructure Program (GRIP) rate adjustment for gas utility investment in 2006 proposed by ATMOS Energy Corp., Mid-Tex Division; and provide for notice of this ordinance to ATMOS Energy Corp., Mid-Tex Division.
Ordinance No. 20070726-072 was approved.
73. Approve a resolution directing publication of a Notice of Intention to Issue City of Austin, Texas Certificates of Obligation, Series 2007, in a maximum amount not to exceed \$3,850,000. Recommended by the Audit and Finance Committee.
Resolution No. 20070726-073 was approved.
74. Approve negotiation and execution of Amendment #1 to an Interlocal Agreement with THE LOWER COLORADO RIVER AUTHORITY, Austin, Texas, for water pollutant analyses services for the Watershed Protection and Development Review Department, in an amount not to exceed \$140,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Watershed Protection and Development Review Department.
The motion authorizing the negotiation and execution of amendment number one to an interlocal agreement with the Lower Colorado River Authority was approved.
75. Authorize negotiation and execution of an Interlocal Agreement with the Lower Colorado River Authority (LCRA) regarding regulation of the portion of the Lake Travis watershed within the City of Austin extraterritorial jurisdiction. Recommended by the Environmental Board.
The motion authorizing the negotiation and execution of an interlocal agreement with the Lower Colorado River Authority (LCRA) was approved.
76. Authorize negotiation and execution of a 12-month State Use Agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,711,000. Funding is contingent upon available funding in future budgets.
The motion authorizing the negotiation and execution of a state use agreement with Texas Industries for the Blind and Handicapped was approved.
77. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were made:

**Board/
Appointee**

**Consensus/
Council Nominee**

**Appointment/
Reappointment**

Austin Community Technology and Telecommunications Commission

Jim Howerton

Mayor Wynn's

Reappointment

Child Care Council

Kim Stiles-Podhajsky

Consensus

Appointment

Child Care Licensing Supervisor – Texas Department of Protective and Regulatory Services

Commission for Women

Molly A. Barker	Mayor Pro Tem Dunkerley's	Appointment
<u>Electric Board</u> Gilbert Ferrales	Mayor Wynn's	Reappointment
<u>Environmental Board</u> David Anderson	Mayor Wynn's	Reappointment
<u>Occupancy Limits Task Force</u> Jennifer Boerner Toni Ann Foster Mary Patrick	Council Member Cole's Council Member McCracken's Council Member Kim's	Appointment Appointment Appointment
<u>Planning Commission</u> Paula Hui	Council Member Kim's	Appointment
<u>Resource Management Commission</u> Richard Amato	Mayor Wynn's	Reappointment
<u>Solid Waste Advisory Commission</u> Rick Cofer Tracy Sosa	Council Member Leffingwell's Mayor Wynn's	Reappointment Reappointment
<u>Water and Wastewater Commission</u> Laura Raun	Mayor Wynn's	Reappointment

Item 78 was pulled for discussion.

79. Approve an ordinance renaming Bergman Avenue to Jesse E. Segovia Street. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)
Ordinance No. 20070726-079 was approved.
80. Approve an ordinance waiving certain requirements of Chapter 2-1 of the City Code related to the Charter Revision Committee. (Council Member Mike Martinez Council Member Lee Leffingwell)
Ordinance No. 20070726-080 was approved.
81. Approve a resolution amending Resolution No. 200705-029 to extend the deadline for the Charter Revision Committee to present its recommendations for City Charter amendments to within 180 days after its first meeting. (Council Member Mike Martinez Council Member Lee Leffingwell)
Resolution No. 20070726-081 was approved.

Item 82 was pulled for discussion.

83. Approve a resolution directing the City Manager to allocate \$1000 from the Holly Good Neighbor "Cultural Arts" Program to fund an exhibit created by Austin artist Federico Archuleta, to be displayed at the 8th Annual Latin Alternative Music Conference, and then auctioned with proceeds to benefit the Cepeda Music Garden Project. (Council Member Mike Martinez Council Member Sheryl Cole)
Resolution No. 20070726-083 was approved.
84. Approve a resolution appointing the following five members of the City Council to serve on the Local Fare Approval Committee to review and approve Capital Metro Transportation Authority proposed fares, tolls, charges, rents and other compensation pursuant to Section 451.061 of the Texas Transportation

Code: Mayor Will Wynn, Mayor Pro Tem Betty Dunkerley, Council Member Lee Leffingwell, Council Member Mike Martinez and Council member Brewster McCracken. (Council Member Mike Martinez Council Member Brewster McCracken Council Member Lee Leffingwell)

Resolution No. 20070726-084 was approved.

85. Authorize payment of EMS standby fees in an amount not to exceed \$475 for the Marathon Kids Kick-off Celebration 2007 to be held on September 15, 2007 at the Mike Myers Track and Soccer Stadium, located at 707 Manor Rd., Austin TX. (Mayor Will Wynn Council Member Lee Leffingwell)
The motion authorizing the payment of EMS standby fees in an amount not to exceed \$475 was approved.
86. Set public hearings for the full purpose annexation of the following annexation areas: (1) Thaxton Place (Approximately 31 acres in southern Travis County south of the intersection of Thaxton Road and Salt Springs Drive); and (2) Watersedge (Approximately 988 acres in southeastern Travis County at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive) (Suggested dates and times: August 23, 2007 and August 30, 2007 at 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.).
The public hearings were set for August 23 and 30, 2007 at 6:00 p.m. at Austin City Hall, at 301 W. Second Street, Austin, Texas.
87. Set a public hearing regarding an ordinance nominating a proposed Otis Spunkmeyer production expansion facility located at 6315 East Stassney Lane, Austin, Texas, for designation by the Governor's Office of Economic Development and Tourism as an Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act") (Suggested date and time: August 9, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for August 9, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.
88. Set a public hearing to receive public comment on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2007-2008 Proposed Budget (Suggested date and time: August 30, 2007, 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX). No fiscal impact.
The public hearing was set for August 30, 2007, 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.
89. Set a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2007-2008 Proposed Budget (Suggested date and time: August 30, 2007, at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for August 30, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.
90. Approve a resolution setting a public hearing to receive public comment regarding the update of the City of Austin Water and Wastewater Impact Fee Land Use Assumptions and Capital Improvement Plan. This update contains the calculation of the maximum allowable water and wastewater impact fees, amends the water and wastewater impact fee service area, and recommends water and wastewater impact fees to be charged by the City (Suggested date and time: August 30, 2007 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, Texas). No fiscal impact. To be reviewed by the Water and Wastewater Commission on August 15, 2007. Impact Fee Advisory Committee meeting(s) are in process of being scheduled. (Suggested date and time: August 30, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)
Resolution No. 20070726-090 was approved.

Items 91 through 96 were Executive Session items.

Item 97 was action on Executive Session item.

Item 98 was a briefing item set for 1:00 p.m.

Items 99 through 130 were zoning items set for 4:00 p.m.

Items 131 through 135 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

82. Approve a resolution directing the city manager to allocate \$72,000 from the Holly Good Neighbor Program to fund the construction of a museum documenting the career of the legendary artist, Manuel "Cowboy" Donley, at the City of Austin park that is named in honor of Manuel Donley and his brother Robert Donley; and negotiate and execute an agreement between the City of Austin and the Austin Latino Music Association regarding construction and management of the museum. (Council Member Mike Martinez Council Member Sheryl Cole)
Resolution No. 20070726-082 was approved on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:55 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Item 91 was discussed later in Executive Session.

92. Discuss legal issues concerning Savetownlake.Org v. City of Austin; Cause No. D-1-GN-0700596; in the 353rd Judicial District Court, Travis County, Texas. (Concerns injunctive and declaratory relief regarding City Code Chapter 25 regulations for the Waterfront Overlay Combining District and subdistricts) (Private Consultation with Attorney - Section 551.071).
This item was withdrawn.
93. Discuss legal issues concerning City of Austin v. Reichhold Inc.; Cause No. A-06-CA-0015SS; in the U.S. District Court, Western District, Austin Division (concerns the North Service Center) (Private Consultation with Attorney - Section 551.071).
This item was withdrawn.

Items 94 -96 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:16 a.m.

DISCUSSION ITEMS CONTINUED

78. Approve an ordinance renaming "Town Lake" to honor Lady Bird Johnson and waiving any applicable requirements of Chapter 14-1 of the City Code. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)

Ordinance No. 20070726-078 was approved on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 11:47 a.m.

Mayor Wynn called the Council meeting back to order at 12:08 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Robert G. MacDonald - The Shrinking Affordable Housing in Austin. "Is This A Problem?"

Julia Dworschack - Animal Issues

Pat Valls-Trelles - Animal Issues

CarolAnneRose Kennedy - A WIND AND A PRAYER 4 THA KNEE REPLACEMENT: WHEN THE COPS WON'T LEAVE ME ALL.LONE

Rex H. White Jr. - Request for Reimbursement for Expenses

Sylvia Servin - Firemen to take on additional duties during peak season

Cynthia Valadez - Against funding Southwest Key

Rita Gonzales-Garza - Southwest Key Request for CDBG Grant Fund

Kenneth Koym - Funding of Southwest Key

Gustavo Rodriguez - Speaking Against Southwest Key

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:15 p.m.

EXECUTIVE SESSION CONTINUED

94. Discuss issues relating to Austin Energy's tariff and rate strategies (Public Power Utility Competitive Matters - Section 551.086).
95. Discuss the acquisition of an interest in real property for Open Space Project, to be funded by proposed November 2006 bonds (Real Property - Section 551.072).
96. Discuss the possible sale or exchange by the City of a 7.07 acre tract of land out of Reicher Ranch, located at 3635 RR 620 south in the City of Bee Cave (Real Property - Section 551.072).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:34 p.m.

ACTION ON EXECUTIVE SESSION

97. Approve an ordinance authorizing the City Manager to accept or reject sealed bid offers for the sale or exchange by the City of a 7.07 acre tract of land out of Reicher Ranch, located at 3635 RR 620 South, in the City of Bee Cave.

Ordinance No. 20070726-097 to accept the bid offer from William Jeff Maddux was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais.

BRIEFINGS

98. Presentation of the City of Austin Proposed Budget for Fiscal Year 2007-2008.
The presentation was made by Toby Futrell, City Manager; Greg Canally, Assistant Director of Financial Services; and Pete Collins, Chief Information Technology Officer.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.

99. C14-06-0078 - South IH-35 Transit Facility - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7902-7926 South IH-35 Service Road Southbound (South Boggy Creek Watershed) from community commercial (GR) district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. First reading approved on November 16, 2006. Vote: 7-0. Applicant: Rock Realty, Inc. (John McCormack); Capital Metropolitan Transit Authority (Fred Gilliam). Agent: Doucet & Associates (Carol M. Stewart). City Staff: Wendy Walsh, 974-7719.
This item was withdrawn.
100. C14-07-0018 - Barton Place - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600 Barton Springs Road (Town Lake Watershed) from general commercial services (CS) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. First reading approved on May 24, 2007. Vote: 6-0 (Cole Absent). Applicant: Toomey Road Partners, Ltd. (Susan Toomey Frost). Agent: Rick Engel. City Staff: Robert Heil, 974-2330.
This item was withdrawn.
101. C14-2007-0034 - Harmon - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4703 Harmon Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. First reading approved on June 21, 2007. Vote: 7-0. Applicant: Julian Oviedo. Agent: Lucy Montealvo. City Staff: Robert Heil, 974-2330.
Ordinance No. 20070726-101 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved.
102. C14-2007-0051 - Pierce Suites - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2028 West Ben White Boulevard (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. First reading approved on June 21, 2007. Vote: 7-0. Applicant: Lawrence A. Pierce. Agent: Frie Planning and Development (Ross Frie). City Staff: Robert Heil, 974-2330.
Ordinance No. 20070726-102 for limited office-mixed use (LO-MU) combining district zoning was approved.

103. C14-2007-0062 - Vintner's Cellar - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7010 West State Highway 71 (Williamson Creek Watershed - Barton Springs Zone) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. First reading approved on June 21, 2007. Vote: 7-0. Applicant: Vintner's Cellar of Austin. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.
Ordinance No. 20070726-103 for commercial-liquor sales (CS-1) district zoning was approved.
104. C814-2007-0009 - West 71 Office Park PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8500 State Highway 71 (Williamson Creek Watershed - Barton Springs Zone) from rural residence (RR) district zoning to planned unit development (PUD) district zoning. First reading approved on June 21, 2007. Vote: 7-0. Applicant: Michael Knepp. Agent: Land Strategies, Inc. (Paul Linehan) City Staff: Robert Heil, 974-2330.
Ordinance No. 20070726-104 for planned unit development (PUD) district zoning was approved.
105. C14-04-0030 - Time Insurance 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First Reading approved on January 11, 2007. Vote: 7-0. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to August 23, 2007 at the staff's request.
106. C14-06-0117 - Time Insurance 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning with conditions. First reading approved on January 11, 2007. Vote: 7-0. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to August 23, 2007 at the staff's request.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Kim's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Cole was off the dais.

107. C14-05-0124 - Dessau Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12317 Dessau Road (Harris Branch Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Dessau 21, Ltd. (Mary Ann Joseph). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to September 27, 2007 at the applicant's request.
108. NPA-07-0001.01 - Fort Magruder - Conduct a public hearing and approve an ordinance amending Ordinance No. 980827-B, the Dawson Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation from single-family to mixed use on the future land use map (FLUM) for the property located at 206-213 Dunlap Street, 3808, 3811, 3812, 3814, 3902,

3904 & 3906 Wadford Street, and 3907-A Reyna Street. Staff Recommendation: To grant mixed use designation for 207, 209, 211 and 213 Dunlap Street, 3811, 3902 3904 & 3906 Wadford Street; and 3907-A Reyna Street; and neighborhood mixed use for 206, 208, 210 and 212 Dunlap Street; and 3808, 3812 and 3814 Wadford Street. Planning Commission Recommendation: To grant mixed use designation for 207, 209, 211 and 213 Dunlap Street, 3811, 3902 3904 & 3906 Wadford Street; and 3907-A Reyna Street; and neighborhood mixed use for 206, 208, 210 and 212 Dunlap Street; and 3808, 3812 and 3814 Wadford Street. Applicant: Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. **This item was postponed to October 18, 2007 at the applicant's request.**

109. C14-2007-0048 - Fort Magruder - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3811 Wadford Street (West Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Multiple Owners. Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.

This item was postponed to October 18, 2007 at the applicant's request.

111. C14-2007-0031 - Block 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1000 E. 5th Street and 1001, 1003, 1009, 1015 and 1019 E. 6th Street and the vacated alley at the 1000 block of East 6th Street (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-central urban redevelopment-neighborhood plan (CS-MU-CO-CURE-NP) combining district zoning to permit Vertical Mixed Use on the site. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit Vertical Mixed Use on the site. Applicant: 6th & Medina LTD (Perry Lorenz). Agent: LOC Consulting (Sergio Lozano). City Staff: Robert Heil, 974-2330.

Ordinance No. 20070726-111 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit Vertical Mixed Use on the site was approved.

112. C14-2007-0043 - West Parmer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2006-2008 West Parmer Lane (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Daniel L. Peterson and Jill E. Peterson. Agent: Vaughn & Associates, Inc. (Rick Vaughn). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20070726-112 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.

113. C14-2007-0046 - Wolf Hester Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14000 U.S. Highway 183 North (Lake Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay

(GR-CO) combining district zoning. Applicant: Celestine Wolf Hester, 2W Homestead, L.P. (Thomas J. Wolf, Jr.). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20070726-113 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

114. C14-2007-0059 - Blunt #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 West Slaughter Lane (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: B.F. Properties (John Blunt). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20070726-114 for limited office-conditional overlay (LO-CO) combining district zoning was approved.

115. C14-2007-0063 - 11608 North Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11608 North Lamar Boulevard (Walnut Creek Watershed) from mobile home residence (MH) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Mahn Phan and Thomas Lieou. Agent: Wendell Bramen. City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20070726-115 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.

116. C14-2007-0069 - Sasona Co-op - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2604 Paramount Avenue (Barton Creek Watershed - Barton Springs Zone) from multi-family residence-medium density (MF-3) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Nasco Properties (Roger Miller). Agent: Jim Donovan. City Staff: Robert Heil, 974-2330.

Ordinance No. 20070726-116 for grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved.

117. C14-2007-0072 - Kish Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3608 Travis Country Circle (Barton Creek Watershed - Barton Springs Zone) from interim-rural residence (I-RR) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Planning Commission Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Applicant and Agent: Karen Kish. City Staff: Robert Heil, 974-2330.

Ordinance No. 20070726-117 for single-family residence-large lot (SF-1) district zoning was approved.

118. C14-2007-0074 - 3923 Medical Park Rezoning - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3923 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and general commercial services (CS) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Cvtiline Resortline Properties of Texas, LLC (Tim Crawford). Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20070726-118 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved adding the following uses to the ordinance: financial services, personal services, and personal improvement services.
119. C14-2007-0039 - Austinville - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13265 U.S. Highway 183 North (Lake Creek Watershed) from single-family residence-standard lot (SF-2) district zoning; interim-rural residence (I-RR) district zoning; and community commercial (GR) district zoning to community commercial (GR) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: La Tierra De Simmons Familia, Ltd. (Steve Simmons). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20070726-119 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
120. C14-2007-0067 - Clawson - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3608 and 3706 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Planning Commission Recommendation: To be reviewed on August 14, 2007. Applicant: Claria Riccobono, Richard Roberts and James Barnett. Agent: Jay Dupont. City Staff: Robert Heil, 974-2330.
This item was postponed to August 23, 2007 at the staff's request.
121. C14-2007-0014 - Webb Estates - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 City Park Road, north of the intersection of City Park Road and Westminster Glen Avenue (Turtle Creek and West Bull Creek Watersheds) from development reserve (DR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning with conditions. First reading approved on June 21, 2007. Vote: 6-0 (Mayor Wynn off the dais). Applicant: 4914 City Park Road (Letha Webb) and James Boamerges. Agent: Clark, Thomas & Winters, PC (John Joseph). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to August 9, 2007 at the neighborhood's request.
122. NPA-07-0008.01 - 12th & Hargrave Development - Conduct a public hearing and approve an ordinance amending Ordinance No. 020110-17, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single-family to mixed-use on Tract 2 located at 1187 Hargrave, and from single-family to mixed-use on Tract 3 located at 0 McClain Street, and from Single-Family to High Density Single-Family for Tract 4 also located at 0 McClain Street (Upper Boggy Creek Watershed). Staff Recommendation: To provide alternative land use recommendation on Tracts 2 & 3 to Neighborhood Mixed-Use. To approve

High Density Single-Family land use designation on Tract 4. Planning Commission Recommendation: To approve Mixed-Use land use designation on Tracts 2 & 3 and High Density Single-Family land use on Tract 4. Applicant: Hargrave Development (Jason Reese). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Minal Bhakta, 974-6453.

Ordinance No. 20070726-122 approving changes to the future land use map designations of mixed-use land use designation on Tracts 2 and 3 and high density single-family land use on Tract 4 was approved.

123. C14-2007-0041 - 12th & Hargrave Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1187, 1187 1/2, 1189, 1191, 1195 Hargrave Street; O McClain Street (1.07 ac. and 0.79 ac. Owens Subd.); and 0 Wheat Avenue (0.95 ac. Owens Subd.) (Boggy Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning; and family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit vertical mixed use on the site for Tracts 1-3, and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 4. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit vertical mixed use on the site for Tract 1; neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning to permit vertical mixed use on the site for Tracts 2 & 3); and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 4. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit vertical mixed use on the site for Tracts 1-3; and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 4. Applicant: Hargrave Development (Jason Reese). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Jerry Rusthoven, 974-3207.

Ordinance No. 20070726-123 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to permit vertical mixed use on the site for Tracts 1-3 and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 4 was approved.

124. NPA-07-0019.01 - Riverfield - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-56, the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish high density-mixed use designation on the future land use map (FLUM) for the property located at 924 and 926 East Dean Keeton Drive. Staff Recommendation: To grant mixed-Use future land use designation. Planning Commission Recommendation: To grant high density mixed use future land use designation. Applicant: Quest Tower View, LTD. C/O Jeff Blatt. Agent: Thrower Design (Ron Thrower). City Staff: Mark Walters, 974-7695.

This item was postponed to September 27, 2007 at the applicant's request.

125. C14-07-0025 - Riverfield 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 924 East Dean Keaton Street (Waller Creek Watershed) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to change a condition of zoning. Planning Commission

Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to change a condition of zoning. Applicant: Quest Tower View, LTD (Jeff Blatt). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to September 27, 2007 at the applicant's request.

126. C14-07-0024 - Riverfield 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 926 East Dean Keaton Street (Waller Creek Watershed) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning to change a condition of zoning. Applicant: Quest Tower view, LTD (Jeff Blatt). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to September 27, 2007 at the applicant's request.

127. NP-2007-023 - Conduct a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the University Hills/Windsor Park Combined Neighborhood Plan. The combined planning area is bounded by IH-35 on the west, Highway 290 on the north, Highway 183 on the east and Manor Road and East 51st Street on the south. Reviewed by Planning Commission.

This item was withdrawn.

128. C14-2007-0006 - University Hills Neighborhood Plan Combining District - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Hwy 290 & Hwy 183 to the north, Hwy 183 to the east, Manor Road to the south, and Northeast Drive to the West (726 acres). The proposed zoning change will create the University Hills Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the University Hills / Windsor Park Combined Neighborhood Plan for a total of 20 tracts (152 acres). Under the proposed University Hills NPCD, "Impervious Cover and Parking Placement Restrictions," and "Garage Placement for New Single-Family construction" are proposed for the entire area. The Neighborhood Urban Center special use is proposed for Tract 208. The Residential Infill special use is proposed for Tract 220. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Single Family Standard Lot (SF-2); Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330; Adrienne Domas, 974-6355.

This item was withdrawn.

129. C14-2007-0007 - Windsor Park Neighborhood Plan Combining District - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by

bounded by I-35 to the west, Hwy 290 to the north, Northeast Drive to the east, Manor Road & E. 51st Street to the South (1526 acres). The proposed zoning change will create the Windsor Park Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the University Hills / Windsor Park Combined Neighborhood Plan for a total of 97 tracts (285 acres). Under the proposed Windsor Park NPCD, "Small Lot Amnesty," "Secondary Apartment," "Impervious Cover and Parking Placement Restrictions," and "Front Porch Setback" are proposed for the entire area. The Neighborhood Urban Center special use is proposed for Tract 17, 20, 42. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330; Adrienne Domas, 974-6355.

This item was withdrawn.

130. Conduct a public hearing and approve an ordinance amending Chapter 25-2, Subchapter E, Article 5, of the Land Development Code (Design Standards & Mixed Use) to add roadway segments in the University Hills/Windsor Park Combined Neighborhood Planning Area to the list of Core Transit Corridors. Reviewed by Planning Commission.

This item was withdrawn.

ZONING DISCUSSION ITEM

110. C14-06-0229 - Encino Trace - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5707 Southwest Parkway (Barton Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to general office-conditional overlay (GO-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant: Carl and Verne Roe Family Trust (Carl Roe). Agent: Drenner & Golden Stuart Wolff, SSP (Michele Rogerson). City Staff: Robert Heil, 974-2330.

The public hearing was closed and Ordinance No. 20070726-110 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved on Council Member Kim's motion, Council Member Cole's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 4:18 p.m. to go into a Special Called Meeting of the City Council.

SPECIAL CALLED MEETING

See separate minutes.

Mayor Wynn called the Council Meeting back to order and recessed at 5:35 p.m.

LIVE MUSIC

We Are the Chorus

PROCLAMATIONS

Proclamation -- ADA Commemoration Month -- to be presented by Mayor Will Wynn and to be accepted by Ron Lucey and Austin Access Award honorees

Proclamation -- Austin's 1st Green Neighborhood -- to be presented by Mayor Will Wynn and to be accepted by Alice Penney and residents of the Copperfield neighborhood

Proclamation -- Lifetime Learning Institute's 30th Anniversary -- to be presented by Mayor Will Wynn and to be accepted by Dorothy Hyde Martin

Certificates of Appreciation -- Day Labor Community Advisory Committee -- to be presented by Council Member Mike Martinez and to be accepted by the honorees

Proclamation -- The Austin-Travis County Veterans "Service and Sacrifice" Exhibit -- to be presented by Council Member Lee Leffingwell and to be accepted by Dan Arrellano and Sue Soy

Mayor Wynn called the Council Meeting back to order at 6:40 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

131. Conduct a public hearing and consider an ordinance amending Section 25-2-943 of the City Code relating to substandard lots. Recommended by Planning Commission.
The public hearing was closed and Ordinance No. 20070726-131 was approved on emergency passage on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
132. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code to add sign regulations related to building signage in the University Neighborhood Overlay area. Recommended by Planning Commission.
The public hearing was closed and Ordinance No. 20070726-132 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
133. Conduct a public hearing and consider an ordinance amending Chapter 25-2, Subchapter E, of the City Code (Design Standards and Mixed Use) regarding Vertical Mixed Use and the Opt-In/Opt-Out process. Recommended by Planning Commission.
The public hearing was closed and Ordinance No. 20070726-133 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
134. Conduct a public hearing and consider an appeal of a decision of the Building and Fire Code Board of Appeals upholding the approval and issuance of a building permit relating to property located at 2104 Stamford Lane. Building and Fire Code Board of Appeals action on April 18, 2007. Motion to grant the appeal received 3 votes, and 1 vote against the appeal. In order to overturn a Building Official decision, 4 votes in favor are required.
This item was postponed to August 23, 2007 on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

135. Conduct a public hearing and consider an ordinance on first reading regarding the application submitted by Acadian Ambulance Service, Inc. for a non-emergency medical transfer franchise under Chapter 10-2 of the City Code. Recommended by the Austin-Travis County EMS Advisory Board.

The public hearing was closed and the first reading of the ordinance was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

DISCUSSION ITEM CONTINUED

23. Approve a resolution adopting the City's (1) Action Plan for Fiscal Year 2007-2008, related to allocation of the U.S. Department of Housing and Urban Development grant funds, and (2) Community Development Fiscal Year 2007-2008 Program required by Texas Local Government Code Chapter 373, including proposed funding allocations. A public hearing needs assessment was conducted on March 15, 2007. A public hearing on the Draft 2007-2008 Action Plan was conducted on May 10, 2007. Recommended by the Community Development Commission with one amendment.

Resolution No. 20070726-023 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 8:14 p.m.

EXECUTIVE SESSION CONTINUED

91. Discuss legal issues relating to the search for new City Manager. (Private Consultation with Attorney-Section 551.071).

Executive Session ended and Mayor Wynn adjourned the meeting at 9:39 p.m. without objection.

The minutes for the Regular Meeting of July 26, 2007 were approved on this the 9th day of August, 2007 on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.